IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

MACA.No. 663 of 2007()

AGAINST O.P.MV.No.2564/95 OF M.A.C.T., KOZHIKODE.

APPELLANT/2ND RESPONDENT

THE NEW INDIA ASSURANCE COMPANY LTD.,
REP.BY THE DEPUTY MANAGER,
REGIONAL OFFICE, M.G.ROAD, KOCHI-11.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS: RESPONDENTS/PETITIONER&IST RESPONDENT RESPECTIVELY

---

1. C.K.MAHESH, AGED ABOUT 36 YEARS,
S/O.C.K.CHANDRAN,
CHONAM KUNNATH HOUSE, P.O.GOVINDAPURAM,
CALICUT-16.

2. SUDHISH, S/O.CHANDRAN,
VADAKKE NAGERI HOUSE,
P.O.GOVINDAPURAM, CALICUT-16.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

M.A.C.A.No. 663 of 2007

Dated this the 25th June, 2007.

J U D G M E N T

This appeal is filed by the Insurer against the award passed by the Motor Accidents Claims Tribunal, Kozhikode, in O.P. (M.V.) No.2564/1995. The main contention raised in this appeal by the appellant is regarding its liability. The contention raised is that first respondent, petitioner, was a pillion rider, whose risk is not covered by the policy issued by the Insurer. In the Original Petition itself, the first respondent-petitioner had given the details of policy. But the appellant did not produce the policy. No contention also was raised before the Tribunal in that regard. Merely because a decision was rendered by the Apex Court in the year 2006, regarding the liability of the Insurer, it cannot be allowed to fill up the lacunae, by raising new contentions. I do not find any reason to interfere with the award passed by the Tribunal. Hence, the appeal is only to be dismissed.

In the result, the appeal is dismissed.

K.PADMANABHAN NAIR,
JUDGE

nj.